

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**JEROME DAVIS,**

**Plaintiff,**

**V.**

**LANCASTER COUNTY NEBRASKA,  
THOMAS MCMILLAN, MICHAEL  
HATFIELD, JAIME BUSTAMANTE,  
JERRY DILLION, GERALD HAUDER,  
CURTIS SCHELL, and RUBEN  
CEBALLOS,**

**Defendants.**

**CASE NO. 4:06CV3169**

## SHOW CAUSE ORDER

This matter is before the court on plaintiff, Jerome Davis's, Motion for an Order Compelling Discovery. (Filing No. 36-1). Fed. R. Civ. P 34 states that "any party may serve on any other party a request. . . (2) to permit entry upon designated land or other property in the possession or control of the party upon whom the request is served for the purpose of inspection and measuring, surveying, photographing . . within the scope of Rule 26(b)." Rule 26(b) requires that the discovery requested is relevant to the claim or defense of the party. Relevant information must appear reasonably calculated to lead to the discovery of admissible evidence. Fed. R. Civ. P. 26(b). In order to make a determination on the plaintiff's motion, plaintiff is Ordered to Show Cause how the requested discovery is reasonably calculated to lead to discovery of admissible evidence. The plaintiff is advised that his need for this discovery must be greater than a claim that the events occurred in the areas where plaintiff is requesting photographs.

**IT IS ORDERED:**

1. That by **February 23, 2007**, plaintiff shall provide a written document showing cause why the court allow entry of the designated land for the purpose of taking photographs;
2. Defendant shall have until March 16, 2007 to respond to plaintiff's filing;
3. The Clerk of Court is directed to send a copy of this Memorandum and Order to plaintiff at his last-known address.

DATED this 22nd day of January, 2007.

BY THE COURT:

s/F.A. GOSSETT  
United States Magistrate Judge